

In contrast, the present final rule partially responding to petitions for reconsideration only makes technical modifications to the standard. Therefore, we do not believe that this final rule will appreciably change the costs of compliance with FMVSS No. 138. Therefore, the agency has not prepared an economic assessment pursuant to the Unfunded Mandates Reform Act.

*J. National Environmental Policy Act*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

*K. Regulatory Identifier Number (RIN)*

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

*L. Privacy Act*

Please note that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78), or you may visit <http://dms.dot.gov>.

**List of Subjects in 49 CFR part 571**

Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ In consideration of the foregoing, NHTSA is amending 49 CFR part 571 as follows:

**PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

■ 1. The authority citation for Part 571 of Title 49 continues to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

■ 2. Section 571.138 is amended by revising paragraphs S4.4(c)(2) and S6(k), and adding paragraph S6(o) to read as follows:

**§ 571.138 Standard No. 138; Tire pressure monitoring systems.**

\* \* \* \* \*

S4.4 TPMS malfunction.

\* \* \* \* \*

(c) *Combination low tire pressure/TPMS malfunction telltale.* \* \* \*

\* \* \* \* \*

(2) Flashes for a period of at least 60 seconds but no longer than 90 seconds upon detection of any condition specified in S4.4(a) after the ignition locking system is activated to the "On" ("Run") position. After each period of prescribed flashing, the telltale must remain continuously illuminated as long as a malfunction exists and the ignition locking system is in the "On" ("Run") position. This flashing and illumination sequence must be repeated each time the ignition locking system is placed in the "On" ("Run") position until the situation causing the malfunction has been corrected. Multiple malfunctions occurring during any ignition cycle may, but are not required to, reinitiate the prescribed flashing sequence.

\* \* \* \* \*

S6 Test procedures.

\* \* \* \* \*

(k) Simulate one TPMS malfunction by disconnecting the power source to any TPMS component, disconnecting any electrical connection between TPMS components, or installing a tire or wheel on the vehicle that is incompatible with the TPMS. When simulating a TPMS malfunction, the electrical connections for the telltale lamps are not to be disconnected.

\* \* \* \* \*

(o) The test may be repeated using the test procedures in paragraphs S6(k)-(n), with each such test limited to simulation of a single malfunction.

\* \* \* \* \*

Issued: July 5, 2007.

**Nicole R. Nason,**  
*Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 061020273-6321-02]

RIN 0648-XA94

**Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 2007 Black Sea Bass, and Total Allowable Landings (TAL) and Loligo Squid Initial Optimum Yield (IOY)**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; restoration to the 2007 black sea bass TAL and *Loligo* squid IOY.

**SUMMARY:** NMFS restores 18,142 lb (8.23 mt) of unused research set-aside (RSA) to the 2007 black sea bass TAL and 151,235 lb (68.60 mt) of unused RSA to the *Loligo* squid IOY, and makes corresponding adjustments to the 2007 black sea bass commercial quota, the 2007 black sea bass recreational harvest limit, and the 2007 *Loligo* squid commercial Trimester II and III quotas. The adjustments are intended to return unallocated RSA quotas to the respective fisheries.

**DATES:** Effective July 12, 2007 through December 31, 2007.

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**SUPPLEMENTARY INFORMATION:** In December 2006, proposals for research projects requested more summer flounder RSA than was available through the annual 2007 summer flounder specification process (71 FR 240, December 14, 2006), and, therefore, NMFS offered the projects increased amounts of *Loligo* squid and black sea bass RSA, within the amounts authorized under the respective fishery management plans (FMPs), to offset the summer flounder shortfalls. The respective 2007 FMP specifications allotted RSA to the four projects as follows: 389,490 lb (176.67 mt) of summer flounder; 1,124,356 lb (510 mt) of *Loligo* squid; 360,000 lb (163.29 mt) of scup; 150,000 lb (68.04 mt) of black sea bass; and 363,677 lb (164.96 mt) of bluefish. Following the 2007 specification process, NMFS, in January 2007, through emergency rulemaking

(72 FR 12, January 19, 2007), increased the 2007 summer flounder TAL from 12.98 million lb (5,887.63 mt) to 17.11 million lb (7711.07 mt). However, to insure the timely issuance of grants and exempted fishing permits required for the projects, the summer flounder RSA assigned to the project grants and specifications was not increased. Therefore, the RSA summer flounder amounts under the 2007 specifications remained lower than the amounts requested for the projects. The lower than expected summer flounder RSA amount resulted in the NOAA Grant Office negotiations that increased *Loligo* squid and black sea bass RSA to the projects to compensate for the summer flounder shortfall. However, the increases of black sea bass and *Loligo* squid to the projects did not utilize all of the 3 percent RSA allocation assigned to the projects in the 2007 specifications. Specifically, in January 2007, NOAA grant negotiations altered the projects' allocations of black sea bass and *Loligo* squid to 131,858 lb (59.8

mt) and 973,121 lb (441.4 mt), respectively, resulting in 18,142 lb (8.23 mt) of black sea bass and 151,235 lb (68.56 mt) of *Loligo* squid no longer being assigned to the RSA allocation, or to the commercial or recreational TAL or IOY. These remaining unused amounts of 18,142 lb (8.23 mt) of black sea bass and 151,235 lb (68.56 mt) of *Loligo* squid are being returned to their respective fishing sectors to provide the fisheries the opportunity to harvest all available TAL and IOY.

Framework Adjustment 1 to the Atlantic Mackerel, Squid, and Butterfish; Summer Flounder, Scup, and Black Sea Bass; and Atlantic Bluefish FMPs; and the RSA provisions of the Tilefish FMP implemented procedures for setting aside up to 3 percent of the annual TAL or IOY to fund research activities for summer flounder, scup, black sea bass, Atlantic mackerel, squid, and butterfish. The regulations at 50 CFR 648.21(g)(5) stipulate that, if a proposal is disapproved by the Regional Administrator, or the NOAA Grants

Office, or if the allocated research quota cannot be utilized by a project, the Regional Administrator shall reallocate the unallocated or unused amount of research quota to the respective commercial and recreational fisheries by publication of a notice in the **Federal Register**.

Under procedures in the Summer Flounder, Scup and Black Sea Bass FMP, the resulting unused black sea bass TAL is allocated 49 percent to the commercial sector and 51 percent to the recreational sector. Therefore, this action restores 18,142 lb (8.23 mt) of black sea bass to the 2007 fishery, with 8,890 lb (4.03 mt) provided to the commercial sector and 9,252 lb (4.20 mt) provided to the recreational sector. The resulting 2007 black sea bass TAL is 4,868,142 lb (2,208.23 mt). The new commercial quota is 2,385,390 lb (1,083 mt), and the new recreational harvest limit is 2,482,752 lb (1,126.20 mt) (Table 1).

TABLE 1. RESTORATION OF BLACK SEA BASS RSA TO TAL, BY FISHING SECTORS

Fishing Sector	Initial TAL		Restored Amounts		New TAL	
	4,850,000 lb (220 mt)		18,142 lb (8.23 mt)		4,868,142 lb (2,208.23 mt)	
	lb	mt	lb	mt	lb	mt
Commercial TAL	2,376,500	1,078	8,890	4.032	2,385,390	1,083
Recreational TAL	2,473,500	1,122	9,252	4.197	2,482,752	1,126.2

Although 9,252 lb (4.20 mt) of black sea bass are being restored to the recreational harvest limit, this action does not alter the existing recreational management measures that have been established to ensure that the recreational harvest limit is not exceeded.

The Atlantic Mackerel, Squid, and Butterfish FMP only regulates *Loligo* squid IOY for the commercial sector, and the *Loligo* squid commercial fishing season operates on a trimester allocation scheme. The unused amount of 68.56 mt of *Loligo* squid is thus restored proportionally to the 2007 second and

third trimesters. The resulting IOY is 16,558.56 mt, with the 68.56 mt restored 29.8 percent (20.43 mt) to the Trimester II allocation, and 70.2 percent (48.13 mt) to the Trimester III allocation. The new Trimester II allocation is 2,823.73 mt, and the new Trimester III allocation is 6,644.13 mt (Table 2).

TABLE 2. RESTORATION OF *Loligo* SQUID RSA TO IOY BY TRIMESTER SEASONS (METRIC TONS)

2007 Trimesters	Initial IOY 16,490	Restored Amount 68.56	New IOY 16,558.56
Trimester I (Jan-Apr)	7,090.7	0	7,090.7
Trimester II (May-Aug)	2,803.3	20.43	2,823.73
Trimester III (Sep-Dec)	6,596.00	48.13	6,644.13

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 6, 2007.

**Alan D. Risenhoover,**  
Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.

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